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ABSTRACT

News reports regarding the relationship between Massachusetts Congressman Barney Frank and a male prostitute reflect a growing willingness to hold public officials responsible for private acts. The incident triggered a classic example of apologia--a speech of self-defense. As critics have long suggested, the intangible nature of the "public" complicates appeals to it. However, it is possible to infer the public by studying how it is constituted by the speaker. In an August 25, 1989 speech, the congressman admitted to his relationship with the prostitute, denied misuse of his office, and pleaded that the psychic burdens of being gay led to catastrophic errors in judgment. By portraying his constituency as a benevolent, compassionate, forgiving people, Frank offered the listener the choice of joining his public and voting to acquit him, or renouncing this public and the positive values it represents and voting to convict. Public responses in letters to newspapers, poll results, and political contributions suggest that Frank's approach netted forgiveness and understanding. Several would-be challengers have canceled plans to oppose him in his 1990 reelection bid. While Barney Frank's public may exist only in his words, its real power is reflected in the fact that Frank has a political future. (Twenty-six footnotes are included.) (SG)

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A KIND AND BENEVOLENT PEOPLE: THE "PUBLIC" AS CONSTRUCTED BY CONGRESSMAN BARNEY FRANK

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A KIND AND BENEVOLENT PEOPLE: THE "PUBLIC" AS CONSTRUCTED BY CONGRESSMAN BARNEY FRANK

The newspaper ad in the Washington Blade, the District of Columbia's gay newspaper, read as follows: "Exceptionally good looking, personable, muscular athlete is available. Hot bottom plus large endowment equals a great time."[1] The ad was answered, $80 was offered, and the act was consummated. Unfortunately, the ad did not mention that the seller was also a free talker for a price, and thus Barney Frank, a liberal Democrat Congressman from Massachusetts, found himself compelled to explain his relationship with one Steven Gobie to his public.

While we may have a sordid interest in such matters, I do not wish to address the sexual tendencies and practices of members of the United States Congress. Nor am I concerned with political scandal. "On a scale of 1 to HUD," Time editorialized, "Frank's transgression is a low single digit: there is no suggestion that he used his public office for personal gain."[2] The more interesting phenomenon is a growing willingness to hold public officials responsible for private acts. As a result, more and more politicians find themselves publicly defending their private conduct: Gary Hart answers for his relationship with Donna Rice; Geraldine Ferraro for her husband's business partners;

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[1] "Gobie's Portrait Colored with Tales of Deceit, Drugs, Illicit Sex," Boston Globe, 18 September 1989, p. 6.

[2] "A Skeleton in Barney's Closet," Time, 25 September 1989, p. 24.

Joe Biden for his plagiarism; John Tower for his lack of sobriety; and Tony Coelho and Jim Wright for their greed. While the Frank case is unique in that it involves homosexual relations, it is really a classic example of apologia--a speech of self defense.[3]

Ware and Linkugel, among others, have suggested a typology for understanding such discourse.[4] They suggest that a speaker may adopt four factors of defense for the purpose of achieving one of four rhetorical postures. While such typologies are interesting, they are simplistic in that they assume a heterogeneous audience responding uniformly to a political message. Common sense, of course, suggests that this is not always the case. The advice of political consultants, or pundits, notwithstanding, the public is not a monolith that responds in a predictable or systematic fashion. Thus, to fully understand apologetic discourse it seems important to consider the role of the audience, or "the public" the speaker is addressing.

Unfortunately, this is not as easy as it might seem. In an era dominated by opinion polls, it is easy to forget that the public is not a thing that one can touch or even question directly. The public is not a collectivity including or embodying all of the people, nor is it manifest in a gathering of people at a particular place in time. Rather, the public is a fictional entity whose presence can only be inferred.

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[3]The only new question, the Boston Globe asked, was "does the public have a right to know whether, and how often, he (Frank) engages the services of male prostitutes?" "Barney Frank Moves the Line," Boston Globe, 27 August 1989, p. 1.

[4]B.L. Ware and Wil A. Linkugel, "They Spoke in Defense of Themselves: On The General Criticism of Apologia," Quarterly Journal of Speech 59 (October 1973): 273-283.

Appeals to public opinion are, in reality, appeals to one person's conception of the public. Recognizing that fact, we might say that a speaker is not responding to a public but rather defining a public. In the pages which follow, I will consider how Barney Frank used this idea to his political advantage. Specifically, I will argue that Frank intentionally created a sympathetic public for the expressed purpose of exonerating himself from wrongdoing. Before progressing to that argument, however, it is necessary to briefly consider what is meant by "the public."

The Nature of the People

The public has posed problems for critics for a number of years. As early as 1922, Walter Lippman observed is his seminal book, Public Opinion, that the public is a "phantom," a delusion of democratic theory.[5] According to Lippman, the public is not real in a material sense, but rather a spectre invoked to justify or further a particular cause. This idea was expanded by philosopher John Dewey in his 1927 book, The Public and Its Problems, where Dewey argued that since the public had no substance, it could easily be shaped and manipulated.[6] A. F. Pollard has gone so far as to argue that "the

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[5]Walter Lippman, Public Opinion (New York: Harcourt, Brace and Company, 1922).

[6]John Dewey, The Public and Its Problems (New York: H. Holt, 1927).

'people' is so indeterminate an expression that its use, let alone its abuse, obscures almost all political discussion."[7]

While such critiques are damning, they do not denigrate the importance of appeals to the public. Rather, they suggest that critics cannot study the public as if it were a living or organic entity. As an alternative, Michael Calvin McGee has argued that it is possible to discover the public through analysis of rhetorical documents containing history as mediated or filtered by political leaders.[8] Since the public is not a living entity, but rather a creation of the speaker, McGee claims that we can infer the public by studying how it is constituted by the speaker. According to Perelman, the speaker defines the situation by translating information into meanings.[9] As Perelman states, "interpretation can be not merely a simple choice but also a creation, an invention of significance."[10] In other words, the act of explaining events gives order and meaning to events. "Meaning," according to Vatz, "is not discovered in situations, but

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[7]A. F. Pollard, The Evolution of Parliament (London: Longmans, Green, 1934), p. 343. This reference is drawn from Michael Calvin McGee, "In Search of 'the People': A Rhetorical Alternative," Quarterly Journal of Speech 61 (October 1975): 235-249.

[8]McGee, p. 49.

[9]This position is developed more fully by Richard E. Vatz, "The Myth of the Rhetorical Situation," Philosophy and Rhetoric 6 (Summer 1973): 157.

[10]Chaim Perelman and L. Olbrechts-Tyteca, The New Rhetoric, translated by John Wilkinson and Purcell Weaver (London: University of Notre Dame Press, 1969), pp. 116-117.

created by rhetors."[11] As the situation is defined, the speaker literally invites the audience to participate in a rhetorical fiction, to become a part of the public described by the advocate. The public, in McGee's words, is not objectively real in the sense that it exists as a collective entity in nature; rather, it is a fiction created by an advocate and infused with reality through rhetoric.

At this point, it may seem that the public is an abstraction devoid of meaning. It is not my intent, however, to denigrate the importance of the public as an idea. While this public is a fiction, it can have a real dimension in that it can be constituted to justify political behavior. My contention is not that the public has no value, but rather that we should study publics, not by studying people, but rather by studying the speaker creating the public.

Barney Frank's People

Working from McGee's notion of the public, it is now possible to appreciate Representative Barney Frank's dramatic appeal to the people of Massachusetts at his press conference of 25 August 1989. To truly appreciate the public created by Barney Frank, however, we need some background on the situation.[12] An acknowledged

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[11]Vatz, p. 157.

[12]The background information in this paper is drawn from a compilation of articles including "Frank Admits Hiring Man for Sex, Then as Personal Aide," Boston Globe, 26 August 1989, p. 1+; "Little Long-Term Damage to Career Seen," Boston Globe, 26 August 1989, p. 1+; "Barney Frank Moves the Line," p. 1+; "Standards of Propriety Keep Shifting," Boston Globe, 27 August 1989, p. 13; "Sympathy, Support for Frank Well Up from Gay Community," Boston Globe, 28 August 1989, p. 1+; "The Barney Frank Case: Looking Back and

homosexual, Frank answered the now infamous ad and paid prostitute Stephen Gobie $80 for his services. Taking pity on Gobie (whose police dossier includes possession of cocaine, oral sodomy and production of obscene items involving a juvenile), Frank then became Henry Higgins, cast Gobie in the role of the unrefined Eliza Doolittle, and proceeded to enact George Bernard Shaw's classic comedy, Pygmalion, with a contemporary twist.[13] He launched an all out effort to free his one time lover from the shackles of drug abuse and prostitution. Frank hired Gobie as a personal valet and errand boy and later wrote letters to Gobie's probation officer. Frank also paid Gobie's psychiatric bills, allowed Gobie the use of his car, and sometimes the use of his apartment. Eighteen months later Frank, by his own account, quietly dismissed Gobie after realizing the man was running a prostitution service from Frank's apartment. For the next two years, this dark secret was hidden from the public eye. Then Gobie resurfaced and began offering his sordid tale to the press for a price. He tried to sell the story unsuccessfully to the Washington Post. He then gave the story to the Washington Times for nothing, apparently in the hope of getting a book contract. Learning of these developments and realizing his political career was in jeopardy, Barney Frank hastily called a press conference for Friday, 25 August 1989. On that morning, Frank stood before his constituents at the Newton Free

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Ahead," Boston Globe, 28 August 1989, p. 3; Jonathan Kaufman, "The Problem with Being TOO FRANK," Boston Globe, 17 September 1989, p. 77+; "Gobie's Portrait Colored with Tales of Deceit, Drugs, Illicit Sex," p. 6; "Barney Frank's Story," Newsweek, 25 September 1989, pp. 14-18; "A Skeleton in Barney's Closet," p. 24.

[13]Frank himself chose this literary metaphor to explain his efforts on behalf of Gobie.

Library and answered questions for more than an hour ranging from "what he declared on his tax returns to whether he practices safe sex."[14]

Through this press conference and subsequent interviews, Frank defended his conduct to his constituents. In retrospect, this may not have been an extremely challenging political problem for a skilled rhetor like Frank. After all, Frank's district includes the liberal campuses of Boston and nearby blue-collar mill towns. His quick wit and legendary services to his constituents allowed him to win 22 of 23 communities in the district and garner over 70% of the vote in 1988 in a decisive victory over Plainville realtor Debra Tucker. We err, however, if we see Frank as a modern day Willie Stark appealing to his loyal followers. What is unique about Frank's defense is not the fact that he confesses or that his sexual preferences are unusual, but rather the way in which Frank conceives of his audience. It is my contention that Frank defends himself by strategically creating a public that is unwilling to hold him responsible for his actions.

Frank's defense is best characterized as a confession.[15] He admits to a relationship with Gobie, denies misuse of his office, and pleads that the psychic burdens of being gay led to catastrophic errors in judgment. Frank admits these wrongs through a wrenching personal narrative that details his innermost feelings and desires. In

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[14]"Barney Frank Moves the Line," p. 1.

[15]Other politicians have adapted the same strategy. In 1978, Representative Fred Richardson, and in 1980, Representative John Hinson admitted to homosexual relationships. See "Gays in Washington," Newsweek, 25 September 1989, p. 19.

the end, Frank claims he is willing to accept full responsibility for private indiscretions. Such rigorous accountability is unlikely however, as Frank masterfully crafts an appeal to a benevolent, compassionate, and forgiving people. The individual listener is thus presented with a choice: either join Barney Frank's public and vote to acquit, or renounce this public and the positive values which it represents and vote to convict. After listening to Frank's emotional plea it becomes apparent that only a hardened cynic could actually hold him personally culpable for his conduct.

Barney Frank's public can be understood by unpacking the narrative account of his own behavior to his constituents. The public that Barney Frank creates is a benevolent one--a public that believes a public servant is entitled to a private life. Frank asserts: "If you don't have a private life, it just doesn't work. The most satisfying public life is no substitute for private life. I reached the point where, as my public life got better, it became more agonizing because of the disparity."[16] As a result of this inner tension Frank contends that he was driven to seek a relationship with Gobie. Frank explains: "I met Gobie in '85, and what I did with him, was with my money and my time."[17] In other words, to hold Frank accountable is the equivalent to saying that a person has no right to a private life.

At the same time, the public that Barney Frank creates is a forgiving one--a public that believes that a public servant can make

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[16]"I Was Emotionally Vulnerable," Newsweek, 25 September 1989, p. 17.

[17]"I Was Emotionally Vulnerable," p. 17.

mistakes but still have the best interests of the constituents at heart. Frank notes: "In my case (employing Gobie) showed an excess of optimism about my ability to change one individual."[18] While it may not be possible to remake a person, it is important to attempt and help a friend. Frank asserts: "I misjudged an individual out of an effort to help someone change his life. I was victimized in part by my own gullibility."[19] To hold Frank accountable would be, by this logic, akin to blaming the proverbial Good Samaritan for stopping along the road to help someone.

To condemn Barney Frank for his actions is to condemn the man for desiring a private life of any scope. To hold Frank accountable is to imply that elected officials possess the infallibility of higher entities and are thus not permitted mistakes of any magnitude. To hold Frank culpable it is indict a man for wanting to help one less fortunate. The public that Barney Frank has created does none of these things. A Letter to the Editor in the Boston Globe expresses this sentiment: "Frank used poor judgement in his choice of who and how to help. It pains me to imagine what he went through when he found his help had been betrayed. I do not condone his behavior. But I do look at Frank's bad judgement in the context of his many years of superb judgement."[20] Barney Frank's public is empathy personified. They don't blame him. Rather they forgive him based on the fact that if they

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[18]"Standards of Propriety Keep Shifting," p. 13.

[19]"Barney Frank Moves the Line," p. 1.

[20]Sherry Zitter, "Barney Frank: Man of Uncommon Courage," Boston Globe, 5 September 1989, p. 14.

don't, they are the ones who become mean spirited and judgmental. Another "Letter to the Editor" captured this spirit noting "Frank owes no explanation to society. Rather, we owe him, and the homosexual population, an explanation about why a decent, intelligent man was forced to hide his sexual identity and seek companionship with a prostitute. It is truly yet another case of 'blaming the victim.'"[21] To condemn Frank requires one to reject the notion that public officials need private lives, to reject compassion as a human virtue, and to conclude that helping the wrong person is the helper's fault.

The Public Speaks?

Having progressed this far, we can now consider the effectiveness of Frank's discourse. At the national level, Frank may be scarred for life in that his image was based heavily on his advocacy of ethics reform. He has already acknowledged that he will be forced to step back from the Housing and Urban Development scandal.[22] Frank's ability to marshall support for liberal causes may also be compromised by his tarnished persona. He will undoubtedly lose his cherished cameos as a "leading liberal" on the CBS Evening News and Nightline shows. In the words of Jack Germond and Jules Witcover, "Frank's public voice is necessarily muted and figures to be for some

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[21]Barbara Prindle, "We Owe the Apology," Boston Globe, 5 September 1989, p. 14.

[22]Frank Says He'll Retire if Causes He Supports are Hurt," Boston Globe, 16 September 1989, p. 1.

time."[23] In the months to come Frank's behavior will undoubtedly be placed under intense media scrutiny.[24]

At the local level, however, we discover a very different set of results. A survey conducted the very evening that Frank spoke revealed that 59.3 percent of his constituents expressed an "extremely favorable" or "favorable" opinion of him, and only 26.6 percent "unfavorable" or "extremely unfavorable." In response to other questions, 65.3 percent of his constituents believed that he should not resign and fully 60.0 percent believed that he should seek reelection.[25] While these results may reflect a reservoir of good will built over the years more than the reaction to Frank's press conference, it is important to remember that Barney Frank has relied on the same conception of the public over the years. Frank's public was willing to accept him as a self-confessed slob in 1982 and later when he openly admitted he was gay.

In the months that have followed, it has become apparent that Barney Frank's public has real power. Several would-be challengers have backed away from plans to challenge Frank for his congressional seat and Frank now appears headed toward reelection in 1990.[26] The

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[23]Jack W. Germond and Jules Witcover, "Hard Time for Liberals," Boston Globe, 19 September 1989, p. 19.

[24]"Studds Reflects on His Censure--and Barney Frank's Future," Boston Globe, 3 October 1989, p. 3.

[25]"Poll Shows Little Long-Term Damage," Boston Globe, 26 August 1989, p. 3.

[26]Early media accounts listed the following contenders: state Senator Los Pines, state Representative Susan Schur, state Representative Marjorie Clapprood, State Auditor Joseph DeNucci,

media have stopped demanding Frank's resignation and follow-up stories on the ethics probe are moving progressively farther from the front page. Indeed, there has been an outcropping of goodwill among his constituents. Media accounts indicate that his fund raising efforts are exceeding expectations. One could infer from all of this that Barney Frank's public has let him off the hook. The world he created to analyze his sins is a world that does not condone the transgression but does forgive the sin. In short, Barney Frank crafted his public well. They understand him and they forgive him.

While Barney Frank's public may be fictional, they have had a real impact. By describing the rhetorical nature of the public, looking at the nature of the public which Barney Frank created, and finally by assessing the effectiveness of this appeal, it is apparent that abstract conceptions such as "the people" can have real meaning. Barney Frank is a real politician. While his public may exist only in his words, it is a public that has real power. The very fact that Barney Frank has a political future is ample testimony to that fact.

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state Representative Eleanor Myerson, state Representative Robert Marsh, talk show host Avi Nelson, Anti-Defamation League regional director Leonard Zakim, Fall River Mayor Carlton Viveiros. As of this writing, however, none of these candidates have announced an intention to challenge Frank. See Robert A. Jordan, "If Frank Does Resign . . .," Boston Globe, 23 September 1989, p. 25.